



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Dimitry Vladimirovich ZYBIN, et al.

SERIAL NO.: 09/890,496

GROUP NO.: 1642

FILED: July 31, 2001

EXAMINER: Canella, Karen A.

FOR: APPLICATION OF POLYACRYAMIDE GEL FOR FORMING A CAPSULE  
IN THE TISSUE OF A MAMMAL ORGANISM, METHOD FOR  
CULTIVATING CELLS AND METHOD FOR THERAPY OF ONCOLOGICAL  
DISEASES AND THE DIABETES MELLITUS

Attorney Docket No.: U 013571-6

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

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JUN 19 2003

TECH CENTER 1600/2900

**RESPONSE TO NOTICE OF ABANDONMENT**

A Notice of Abandonment (copy enclosed) was mailed on June 2, 2003 and received on June 9, 2003.

The Notice advises that the Applicant failed to timely reply to the Office Action mailed on October 2, 2002.

Nevertheless, Applicants submit herewith a copy of the Notice of Appeal mailed on April 2, 2003, six months from the mailing of the Office Action.


**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

- ☐ transmitted by facsimile to the Patent and Trademark Office.
-   
Signature

Date: June 13, 2003

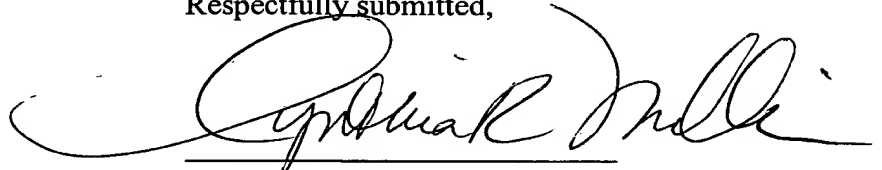
CYNTHIA R. MILLER  
(type or print name of person certifying)

Additionally submitted herewith is a copy of a postcard receipt indicating a date of receipt of April 7, 2003 of the Notice of Appeal by the U.S.P.T.O.

In view of the above proofs, it is respectfully requested that the holding of abandonment be withdrawn.

Additionally, it is the Applicants intention to file an RCE by July 2, 2003 with a petition and fee for a further one month extension of time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia R. Miller', written over a horizontal line.

Cynthia R. Miller  
LADAS & PARRY  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,496	07/31/2001	Dmitry Vladimirovich Zybin	U 013571-6	4792

140 7590 06/02/2003

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EXAMINER

CANELLA, KAREN A

ART UNIT

PAPER NUMBER

1642

DATE MAILED: 06/02/2003

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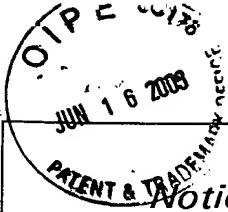
L & P.

Please find below and/or attached an Office communication concerning this application or proceeding.


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JUN 19 2003

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Notice of Abandonment

Application No. 09/890,496	Applicant(s) Zybin et al	
Examiner Karen Canella	Art Unit 1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Oct 2, 2002.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d) is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

*Karen A. Canella*

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.